

-
- San Bernardino County Transportation Commission •San Bernardino County Transportation Authority
 - San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies
-

MINUTE SUMMARY

Board of Directors Meeting

January 5, 2005

Start Time: 9:30 a.m.

LOCATION

San Bernardino Associated Governments

Santa Fe Depot

SANBAG Lobby 1st Floor

1170 W. 3rd Street, San Bernardino, CA

Board of Directors

President

Paul Biane, Supervisor
County of San Bernardino

Mark Nuaimi, Mayor
City of Fontana

Diane Williams, Mayor Pro Tem
City of Rancho Cucamonga

Paul Cook, Council Member
Town of Yucca Valley

Vice-President

Kelly Chastain, Council Member
City of Colton

Bea Cortes, Council Member
City of Grand Terrace

Pat Gilbreath, Council Member
City of Redlands

Dennis Hansberger, Supervisor
County of San Bernardino

Jim Nehmens, Mayor
City of Adelanto

James Lindley, Mayor
City of Hesperia

Grace Vargas, Mayor
City of Rialto

Bill Postmus, Supervisor
County of San Bernardino

Rick Roelle, Council Member
Town of Apple Valley

Larry McCallon, Mayor Pro Tem
City of Highland

Judith Valles, Mayor
City of San Bernardino

Josie Gonzales, Supervisor
County of San Bernardino

Lawrence Dale, Mayor
City of Barstow

Robert Christman, Council Member
City of Loma Linda

Kevin Cole, Council Member
City of Twentynine Palms

Gary Ovitt, Supervisor
County of San Bernardino

Darrell Mulvihill, Mayor
City of Big Bear Lake

Paul Eaton, Mayor
City of Montclair

John Pomierski, Mayor
City of Upland

Anne Mayer, Caltrans
Ex-Officio Member

Dennis Yates, Mayor
City of Chino

Rebecca Valentine, Council Member
City of Needles

Mike Rothschild, Council Member
City of Victorville

Norman R. King
Executive Director

Gwenn Norton-Perry, Council Member
City of Chino Hills

Vacant
City of Ontario

Richard Riddell, Mayor
City of Yucaipa

**San Bernardino Associated Governments
County Transportation Commission
County Transportation Authority
County Congestion Management Agency
Service Authority for Freeway Emergencies
Board of Directors**

MINUTE SUMMARY

January 5, 2005

9:30 a.m.

Location:

**San Bernardino Associated Governments
Santa Fe Depot
SANBAG Lobby 1st Floor
1170 W. 3rd Street, San Bernardino**

To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional meeting procedures and agenda explanations are attached to the end of this agenda.

Called to Order - 9:50 a.m.
(Meeting chaired by Supervisor Paul Biane)

I. Attendance

**Jim Nehmens, Adelanto
Rick Roelle, Apple Valley
Lawrence Dale, Barstow
Dennis Yates, Chino
Gwenn Norton-Perry, Chino Hills
Kelly Chastain, Colton
Mark Nuaimi, Fontana
Bea Cortes, Grand Terrace
James Lindley, Hesperia
Larry McCallon, Highland
Robert Christman, Loma Linda
Paul Eaton, Montclair
Rebecca Valentine, Needles
Alan Wapner, Ontario
Diane Williams, Rancho Cucamonga
Pat Gilbreath, Redlands**

**Grace Vargas, Rialto
Judith Valles, San Bernardino
*Kevin Cole, Twentynine Palms
John Pomierski, Upland
Mike Rothschild, Victorville
Dick Riddell, Yucaipa
Paul Cook, Yucca Valley
Paul Biane, San Bernardino County
Dennis Hansberger, San Bernardino County
Bill Postmus, San Bernardino County
Gary Ovitt, San Bernardino County
Josie Gonzales, San Bernardino County
Patty Romo, Caltrans District 8
Jean-Rene Basle, SANBAG Counsel
Norm King, SANBAG**

***Arrived During Agenda Item 1**

II. Announcements: A welcome was extended to the new Board Members by SANBAG President Paul Biane. Norm King announced Congressman Jerry Lewis was recommended as Chair of the Appropriations Committee. The following meetings will be held this month: SCAG Delegates, Jan 5th; City Selection Committee, Jan 5th; Administrative Committee, Jan. 12th; Commuter Rail Committee, Jan. 12th; Major Projects Committee, Jan. 13th; Plans & Programs Committee, Jan. 19th; Mountain/Desert Committee, Jan. 21st; and SCRRA Delegates Briefing, Jan. 26th. Inland Empire Infrastructural Report Card Presentation to be held Jan. 7th at SANBAG. Proposition 42 Press Conference to be held in Los Angeles next week. Measure I Victor Valley Association of Realtors presentation on Jan. 26th.

III. Agenda Notices/Modifications: Supplemental information for Agenda Item 19.

Notes/Actions:

1. **Possible Conflict of Interest Issues for the SANBAG Board Meeting of January 5, 2004.** Pg. 9

*See Notes

Note agenda item contractors, subcontractors and agents, which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

*** Note the following abstentions:**

Supervisor Josie Gonzales abstained on Agenda Item 17 stating a disqualifying campaign contribution in excess of \$250.

Supervisor Paul Biane abstained on Agenda Item 17 stating a disqualifying campaign contribution in excess of \$250.

Supervisor Bill Postmus abstained on Agenda Item 17 stating a disqualifying campaign contribution in excess of \$250.

Supervisor Gary Ovitt abstained on Agenda Item 17 stating a disqualifying campaign contribution in excess of \$250.

Mayor Richard Riddell abstained on Agenda Item 17 stating a disqualifying campaign contribution in excess of \$250.

Council Member Alan Wapner abstained on Agenda Item 17 stating a disqualifying campaign contribution in excess of \$250.

Consent Calendar

Consent Calendar items shall be adopted by a single vote unless removed by Board member request. Items pulled from the consent calendar will be brought up under Agenda Item 20.

Administrative Matters

2. **Board of Directors Attendance Roster**

Pg. 11

Information Only

MOVED:
Valles

SECOND:
Lindley
28-0-0

Consent Calendar Continued....**Administrative Matters (Cont.)**

- | | | |
|--|--------|------------------|
| 3. Procurement Report for November 2004
Receive Monthly Procurement Report. Susan Van Note
This item was unanimously received by the Administrative Committee on December 8, 2004. | Pg. 15 | Approved Consent |
| 4. SANBAG's Investment Policy No. 20100
Maintain SANBAG's current Investment Policy No. 20100.
Susan Van Note
This item was reviewed and unanimously recommended for approval by the Administrative Committee on December 8, 2004. | Pg. 17 | Approved Consent |
| 5. Budget to Actual Report
Receive Budget to Actual Report for Period Ending September 2004. Susan Van Note
This item was unanimously received by the Administrative Committee on December 8, 2004. | Pg. 25 | Approved Consent |
| 6. SANBAG 2005/2006 Budget Schedule
Approve the SANBAG 2005/2006 Budget Schedule.
Susan Van Note
This item was reviewed and unanimously recommended for approval by the Administrative Committee on December 8, 2004. | Pg. 31 | Approved Consent |
| 7. Santa Fe San Bernardino Depot Operating Expenses and Leasing Activity
Receive and file. Susan Van Note
This item was unanimously received by the Administrative Committee on December 8, 2004. | Pg. 35 | Approved Consent |
| 8. Policy on Cancellation and Rescheduling of Meetings
Approve amendment to SANBAG Policy 10000, Policy Committee Relationships and Procedures, to add provisions for cancellation and/or rescheduling of Board of Directors and Policy Committee meetings. Deborah Barmack
This item was reviewed and unanimously recommended for approval by the Administrative Committee on December 8, 2004. | Pg. 39 | Approved Consent |

Consent Calendar Continued....

Administrative Matters (Cont.)

- | | | |
|--|---------------|--------------------------------|
| <p>9. SANBAG Financial and Project Management Software Needs</p> <p>1. Receive report on evaluation of SANBAG Financial and Project Management Software Needs completed by Government Finance Officers Association (GFOA) and direct staff to proceed with Option I, maximized use of the Regional Council Management System (RCMS) software.</p> <p>2. Note staff committee recommendation to renew the contract with TH Enterprises for routine support and network management.</p> <p>Deborah Barmack</p> <p>This item was reviewed and unanimously recommended for approval by the Administrative Committee on December 8, 2004.</p> | <p>Pg. 45</p> | <p>Approved Consent</p> |
|
 | | |
| <p>10. Policy on SANBAG Flexible Benefit Plan</p> <p>Approve amendment to SANBAG Policy 10122-1, Flexible Benefit Plan, to eliminate pro-ration of benefits and establish a timeline for submittal of documentation in the event of a qualifying event. Deborah Barmack</p> <p>This item was reviewed and unanimously recommended for approval by the Administrative Committee on December 8, 2004.</p> | <p>Pg. 49</p> | <p>Approved Consent</p> |

Regional & Quality of Life Programs

- | | | |
|---|---------------|--------------------------------|
| <p>11. Freeway Service Patrol (FSP) Contract No. 04-025 with the Mobile Source Air Pollution Reduction Review committee (MSRC).</p> <p>Authorize the SANBAG Executive Director to approve changes to the MSRC FSP Contract No. 04-025, which do not impact the project scope, funding amount or contract term.</p> <p>Michelle Kirkhoff</p> <p>This item was reviewed and unanimously recommended for approval by the Plans and Programs Policy Committee on December 15, 2004 and has also been reviewed by SANBAG Counsel.</p> | <p>Pg. 57</p> | <p>Approved Consent</p> |
|---|---------------|--------------------------------|

Consent Calendar Continued....**Regional & Quality of Life Programs (Cont.)**

12. **Quarterly Administrative Report on SANBAG TEA-21 Funding Programs** Pg. 75

Approved Consent

- 1) Receive report on quarterly reporting and obligation status.
- 2) Adopt a finding of compliance with obligation requirements for all affected agencies. **Ty Schuiling**

This item was reviewed and unanimously recommended for approval by the Plans and Programs Policy Committee on December 15, 2004.

Subregional Transportation Planning & Programming

13. **Annual Determination of Local Government Conformance to the Congestion Management Program (CMP)** Pg. 83

Approved Consent

Approve annual determination of conformance with the CMP for local governments within San Bernardino County pursuant to California Government Code Section 65089.3. **Ty Schuiling**

This item was reviewed and unanimously recommended for approval by the Plans and Programs Policy Committee on December 15, 2004.

Program Support/Council of Govts.

14. **San Bernardino Associated Governments State and Federal Legislative Program** Pg. 85

Approved Consent

Approve 2005 State and Federal Legislative Programs.
Kris Leathers Murray

This item has been reviewed by SANBAG's executive staff, as well as its Federal and State legislative advocates. This item was also reviewed by the Administrative Committee on December 8, 2004, and unanimously recommended for approval.

15. **2004 Year-End State and Federal Legislative Report** Pg. 95

Approved Consent

Receive and file State and Federal Legislative Update as an information item. **Kris Leathers Murray**

This item was reviewed by the Administrative Committee on December 8, 2004.

DISCUSSION ITEMS

Administrative

16. **Appointments and selection of Board members to serve on SANBAG committees and to represent SANBAG on external committees.** Pg. 99

MOVED:
Gilbreath
SECOND:
Dale
28-0-0

1. Note Presidential appointment of Supervisor Paul Biane to serve on the SANBAG Commuter Rail Committee for the unexpired term to end on December 31, 2005.
2. Note Presidential appointment of Paul Cook, Town of Yucca Valley to represent SANBAG at the California Association of Councils of Government (CALCOG) for a term to expire April 30, 2007.
3. Note Presidential appointment of Larry McCallon, City of Highland, to the Southern California Association of Governments Community, Economic, and Human Development Committee.
4. Reappoint Paul Eaton, City of Montclair, to serve as primary ex-officio member and Kelly Chastain, City of Colton, as alternate ex-officio member representing SANBAG on the Alameda Corridor East Construction Authority for terms to expire on December 31, 2006.
5. Reappoint Ken Willis, City of Upland, as alternate member representing SANBAG on the Mobile Source Air Pollution Reduction Review Committee for a term to expire on December 31, 2006.
6. Reappoint Gwenn Norton-Perry, City of Chino Hills, to serve as ex-officio member of the SR 91 Advisory Committee representing SANBAG for a term to expire December 31, 2006.
7. Note opportunity for SANBAG Board Members to represent SANBAG on the Southern California Association of Governments Community, Economic and Human Development Committee and Energy and Environment Committee and to serve as alternate member on California Association of Councils of Government (CALCOG).
8. Note Board of Supervisor membership on Administrative Committee as Supervisor Ovitt representing the West Valley and Supervisor Gonzales representing the East Valley for terms to expire on December 31, 2005.
9. Conduct Caucus of the East Valley. West Valley, and Mountain/Desert cities Board Members to select membership on the SANBAG Administrative Committee and Plans and Programs Committee as indicated below. **Deborah Barmack**

This item is consistent with adopted SANBAG policy. Announcements were made at the December SANBAG Board of Directors relative to opportunities for appointments and elections to these positions. *Continue next page*

Discussion Items Continued....

Administrative (Cont.)

16. Continued....

Caucus Results:

Bea Cortes was appointed to Administrative Committee representing East Valley.

Paul Eaton was reappointed to Administrative Committee representing West Valley.

Jim Lindley was reappointed to Administrative Committee representing Mountain/Desert.

Rick Roelle was appointed to Administrative Committee representing Mountain/Desert.

Dick Riddell and Judith Valles were reappointed to Plans and Programs Committee representing East Valley.

Diane Williams was appointed to Plans and Program Committee representing West Valley.

Paul Cook was reappointed to Plans and Programs Committee representing Mountain/Desert.

Kevin Cole was appointed to Plans and Programs Committee representing Mountain/Desert.

ADJOURNED TO:

CLOSED SESSION

Conference with Legal Counsel –Existing Litigation

[Government Code section 54956.9 (a)]

Sierra Club, et al. v. San Bernardino Associated Governments, et al.,

Case No. SCVSS 117762

RECONVENED TO:

The SANBAG Board has authorized Counsel to file an appeal on ruling given by the court on SANBAG's demur of the Sierra Club petition against Measure I. The Board also authorizes Counsel to file any other appeals necessary in the future of this case.

Discussion Items Continued....

Administrative (Cont.)

17. Best, Best & Krieger Purchase Order

Pg. 103

1. Approve Amendment No. 1 to Purchase Order 0526 with Best, Best & Krieger for \$100,000 as specified in the Financial Impact section.

2. Approve budget amendment to task 0550500 for \$100,000; funding source is Measure I Major Projects, as detailed in the Financial Impact section. **Susan Van Note**

This item was reviewed and unanimously recommended for approval by the Administrative Committee on December 8, 2004.

MOVED:
Nuaimi

SECOND:
Pomierski

22-0-6

ABSTAINED:
Gonzales

Biane

Postmus

Ovitt

Riddell

Wapner

18. Computer Administration and Management Services Contract

Pg. 111

Approve Sole Source Contract No. 05-034 with TH Enterprises for Computer Administration and Management Services for an amount not to exceed \$290,642 as specified in the Financial Impact Section. **Deborah Barmack**

This item was reviewed by SANBAG Counsel as to legal form, and unanimously recommended for approval by the Administrative Committee on December 8, 2004.

MOVED:
Christman

SECOND:
Cortes

28-0-0

Project Development

19. Award of Contract No. 05-005 for Construction of SR 210 Segment 11 Early to Atkinson Contractors LLP/MCM Construction Joint Venture

Pg. 125

Approve and award Contract No. 05-005 to Atkinson Contractors LLP/MCM Construction Joint Venture pending concurrence by Federal Highway Administration, for construction of State Route 210 Segment 11 Early project in the amount of \$35,464,552.75 as detailed in the Financial Impact Section. **Darren Kettle**

This item is being presented directly to the Board for action.

MOVED:
Valles

SECOND:
Nuaimi

28-0-0

Other Matters

20. Consent Calendar Items Pulled for Discussion - NONE

Items pulled from the consent calendar shall be taken under this item in the order they were presented on the calendar.

Comments from Board Members

Brief Comments by SANBAG Board Members - NONE

Public Comment

Brief Comments by the General Public - NONE

ADJOURNMENT at 11:00 a.m.

Additional Information

Agency Reports/Committee Memberships

Commuter Rail Report

Pg.

(Distributed at the Board Meeting)

Council Member Patricia Gilbreath

South Coast Air Quality Management Report

Pg. 131

Mayor Dennis Yates

SCAG Committees

Pg. 135

SCAG Regional Council

SCAG Standing Committees

Administration Committee

Implementation Committee

Planning Committee

SCAG Policy Committees

Community, Economic and Human Development

Energy and Environment

Transportation and Communications

SANBAG Policy Committees

Pg. 137

Acronym List

Pg. 139

Complete packages of the SANBAG agenda are available for public review at the SANBAG offices. Staff reports for items may be made available upon request. For additional information call, (909) 884-8276.

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the San Bernardino Associated Governments (SANBAG) Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the SANBAG Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed at the SANBAG offices located at 1170 W. 3rd Street, 2nd Floor, San Bernardino.

Agenda Actions – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

Closed Session Agenda Items – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the SANBAG Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item when an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject with SANBAG's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. The time limits established in Rule #4 still apply.*

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for SANBAG meetings. Your cooperation is appreciated!*